

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy No. 21-70008-JAD
Gregory L. Miller and	:	
Tamara L. Miller,	:	Chapter 13
Debtors	:	
	:	Docket No. 58
Gregory L. Miller and	:	
Tamara L. Miller,	:	Related to Docket No. 46
Movants	:	
	:	Hearing Date & Time: October 13, 2021
vs.	:	11:00 AM
	:	
CNB Bank,	:	
Capital One Bank USA, N.A.,	:	
Ditech,	:	
M&T Bank,	:	FILED
Penn State FCU,	:	10/15/21 11:16 am
Synchrony Bank,	:	CLERK
Respondents	:	U.S. BANKRUPTCY
and	:	COURT - WDPa
	:	
Ronda J. Winnecour, Esquire,	:	
Chapter 13 Trustee,	:	
Additional Respondent	:	

**AMENDED ORDER CONFIRMING SALE OF PROPERTY FREE AND DIVESTED OF LIENS**

This 15th day of October, 2021, on consideration of the Movants' Motion for Sale of Property Free and Divested of Liens to Cen-Clear Child Service, Inc., 50 Bigler Road, Bigler, Pennsylvania 16825 for Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), after hearing via a Zoom hearing, at which time, this date.

Regarding said Motion the Court finds:

1. That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

**DATE OF SERVICE**

**NAME OF LIENOR AND SECURITY**

September 9, 2021

CNB Bank  
First Mortgage

September 9, 2021

CNB Bank  
Second Mortgage

September 9, 2021

CNB Bank  
Third Mortgage

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly serviced with the Complaint/Motion.
3. That said sale hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-1-(c) on September 9, 2021, in the The Progress on September 17, 2021 and in the Clearfield County Legal Journal on September 17, 2021, as shown by the Proof of Publications duly filed.
4. That at the sale hearing no higher offers were received and no objections to the sale were made which would result in cancellation of said sale.
5. That the price of \$325,000.00 offered by Cen-Clear Child Service, Inc. is a full and fair price for the property in question.
6. That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143 (3d Cir. 1986).

**IT IS ORDERED, ADJUDGED AND DECREED** that the private sale by Movant's Quitclaim deed of the real property described in the Motion as 33 Bigler Road, Bigler, Pennsylvania 16825, is hereby confirmed to Cen-Clear Child Service, Inc., 50 Bigler Road, Bigler, Pennsylvania 16825, for \$ 325,000.00, free and divested of the liens herein described; and that Gregory L. Miller and Tamara L. Miller shall make, execute and deliver to the purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

**IT IS FURTHER ORDERED** that the liens, claims and interests of all Respondents, including but not limited to, be and they hereby are divested from the property being sold, if and to the extent they may be determined to be valid liens against the sold property, and transferred to the proceeds of sale, and that the within decreed sale shall be free, clear and divested of said liens, claims and interests;

**FURTHER ORDERED** that after due notice to the claimants, lien creditors, and interest holders, and no objection on their parts having been made or, if made, resolved/overruled, the incidental and related costs of sale and of the within bankruptcy proceeding, shall be paid in advance of any distribution to said lien creditors.

**FURTHER ORDERED** that the following expenses/costs shall immediately be paid at the time of closing. Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order:


1. The following lien(s)/claim(s) and amounts;
  - a. CNB Bank – First Mortgage – approximately \$217,877.84;
  - b. CNB Bank – Second Mortgage – approximately \$34,620.89;
  - c. CNB Bank – Third Mortgage - approximately \$25,273.46;
2. Delinquent Real Estate Taxes in the amount of \$5,080.04
3. Transfer Taxes to Recorder of Deeds – Provided with Final Sales Report;
4. Clearfield County Legal Journal advertising cost in the amount of \$ 73.50;
5. The Progress advertising cost in the amount of \$ 71.86;
6. Realtor Commission to Jeffrey Holtz in the amount of \$19,500.00;
7. Chapter 13 Trustee's Fee in the amount of \$8,197.20;
8. Remaining funds to be provided to the Chapter 13 Trustee for disbursement to unsecured creditors.

**FURTHER ORDERED** that the Movants shall serve a copy of the within Order on each Respondent (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the Debtors, the purchaser and the attorney for the purchaser, if any, and file a certificate of service.

**FURTHER ORDERED** that closing shall occur within thirty (30) days of this Order and the Movants shall file a report of sale within seven (7) days following closing.

**FURTHER ORDERED** that the Confirmation Order survives any dismissal or conversion of the within case.

Date: October 15, 2021

BY THE COURT,  
  
jsf  
Jeffery A. Deller  
United States Bankruptcy Judge

In re:  
Gregory L Miller  
Tamara L Miller  
Debtors

Case No. 21-70008-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-7  
Date Rcvd: Oct 15, 2021

User: dpas  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 17, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Gregory L Miller, Tamara L Miller, 510 Mease Road, Osceola Mills, PA 16666-8726

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 17, 2021

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 15, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor M&T BANK bnicholas@kmlawgroup.com
Kenneth P. Seitz	on behalf of Debtor Gregory L Miller thedebterasers@aol.com
Kenneth P. Seitz	on behalf of Joint Debtor Tamara L Miller thedebterasers@aol.com
Maria Miksich	on behalf of Creditor M&T BANK mmiksich@kmlawgroup.com
Mark G. Claypool	on behalf of Creditor CNB Bank mclaypool@kmgslaw.com knoxbank@hotmail.com;chartle@kmgslaw.com;aklus@kmgslaw.com

District/off: 0315-7

User: dpas

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Total Noticed: 1

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 7